

PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

CHIEF HEARING OFFICER DIRECTIVE

DOCKET NOS. 2020-275-S ORDER NO. 2021-52-H

APRIL 26, 2021

CHIEF HEARING OFFICER: David Butler

DOCKET DESCRIPTION:

Application of Condor Environmental, Incorporated Requesting an Expansion of Its Existing Sewer Service Area to Include Certain Portions of Anderson County and Approval of Agreement (Expedited Consideration Requested)

MATTER UNDER CONSIDERATION:

Petition to Intervene of Renewable Water Resources ("ReWa")

CHIEF HEARING OFFICER'S ACTION:

This matter comes before the Chief Hearing Officer on the Petition to Intervene of Renewable Water Resources.

Under Commission regulation, the Commission must determine whether or not the petitioning party has clear factual support or grounds for the proposed intervention. S.C. Regs. 103-825A(3) requires that parties filing a Petition to Intervene in a matter pending before the South Carolina Public Service Commission must set forth clearly and concisely:

- (a) The facts from which the nature of the petitioner's alleged right or interest can be determined;**
- (b) The grounds of the proposed intervention;**
- (c) The position of the petitioner in the proceeding.**

In the present cases, ReWa clearly sets out the facts from which the nature of the right or interest can be determined, the grounds of the proposed intervention, and its position. ReWa is a multi-county special purpose district organized and existing pursuant to the laws of the state of South Carolina since 1926. In addition, ReWa also provides sewer collection service in parts of Greenville County and within all of its service area in Anderson County.

By Order No. 2020-792, the Public Service Commission of South Carolina ("Commission") asked the South Carolina Office of Regulatory Staff ("ORS") to review Condor's service to several neighborhoods in Anderson County, including service to the Carriage Hill neighborhood (referenced in Condor's Application #4). According to ReWa, all of the Condor neighborhoods at issue in Anderson County are within ReWa's service area. ReWa asserts that it is a publicly-owned sewer provider that is willing to assume ownership of the

collection infrastructure that the Carriage Hill developer is requesting to dedicate to Condor. ReWa states that it is willing to either operate that system itself or to operate it under contract with Condor. In either instance, the sewer flow will, for an interim basis, be carried to Easley Combined Utilities' ("ECU") Middle Branch facility for treatment.

ReWa does not object to the rates requested by Condor, nor to the conditions for approval proposed by the ORS. However, ReWa submits that public ownership of the infrastructure is both preferable and less expensive in the long term. ReWa states that it has designed many millions of dollars' worth of trunk system extensions into the areas of Anderson County which are subject to ORS review. Within several years ReWa notes that these systems will be constructed and will divert sewer flow now being pumped to ECU's treatment facility to ReWa's George's Creek wastewater treatment facility. This diversion of flow will be encompassed within an inter-governmental agreement between ECU and ReWa.

When ReWa trunk lines reach each subject neighborhood, the pump station services provided by Condor will no longer be necessary, according to ReWa. ReWa also asserts that upon information and belief, the combined transport and treatment charges from ReWa are less expensive than the combined sewer service charges by Condor and ECU. ReWa notes That public ownership of the infrastructure by ReWa will also avoid the adverse federal tax treatment referenced by ORS The extra tax burden would otherwise ultimately be borne by the sewer customers through the purchase price of their homes and their sewer service rates, according to ReWa. ReWa wishes to participate in the ORS review to facilitate an orderly transition of sewer service from private to public as its sewer trunk system is extended into Anderson County. ReWa believes this transition can be provided for in the contracts between Condor, developers in Anderson County, and the various neighborhood HOAs served by Condor.

This Chief Hearing Officer holds that ReWa has successfully satisfied the three criteria for intervention stated in the Commission Regulation in this Docket.

There are no objections to the intervention. Accordingly, the Petition to Intervene of Renewable Water Resources is hereby granted in this Docket. This ends the Chief Hearing Officer's Directive.